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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,897

Applicant(s)

NIKLASSON, MARTIN

Examiner

Sumaiya A. Chowdhury

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12,13,15-29,34-36 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12,13,15-29,34-36 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 12-13, 15-29, and 34-42, have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues "Brooks fails to teach ... '...or advertiser'" on page 11, 1st paragraph of the Remarks filed 8/4/06.

Referring to col. 5, lines 22-25, lines 44-47, lines 56-63, in the Brooks reference, Brooks clearly teaches that an incentive is rewarded to the user for being monitored. Regardless, in this Office Action, the Examiner has used another reference instead of Brooks to teach this limitation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12, 15, 17-18, 22-25, 27-29, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti in view of Weinblatt (5515270) and Takasu (6279157).

Considering claim 12, Massetti discloses a method of logging events in a multimedia integrated receiver decoder (TV receiver 36, 38, 40 – Fig. 1), said method comprising the following steps:

- a) providing a trigger (source identification code – col. 15, lines 1-8),
- b) transmitting said trigger to said integrated receiver decoder in a data stream (col. 15, lines 1-8), and
- c) if said integrated receiver decoder is tuned to said data stream, storing said trigger (col. 15, lines 26-50).
- d) transmitting said stored trigger information from said IRD without user identification information (col. 15, lines 26-50, col. 10, lines 11-17, col. 16, lines 25-40, col. 17, lines 22-26).

However, Massetti fails to disclose:

- a) wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use;
- e) permitting an operator or advertiser to use the method
- f) giving a user incitement to allow use of the method

In an analogous art, Weinblatt discloses permitting an advertiser to monitor what the user watches and to provide the user incitement (reward) to allow use of the monitoring for the advantage of rewarding the user to allow the advertiser to monitor their viewing – col. 13, line 53 – col. 14, line 19, col. 14, lines 40-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include permitting an operator to

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use the method and giving a user incitement to allow use of the method, as taught by Weinblatt, for the advantage of rewarding the user to allow the advertiser to monitor their viewing.

However, Massetti and Weinblatt fail to teach:

a) wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use;

In an analogous art, Takasu teaches wherein the trigger (coded data) comprises a unique trigger identity identification (unique identification data ID) and said trigger is unique only during a specific period of use (col. 3, lines 50-58, col. 4, lines 13-19, lines 26-36, col. 5, lines 3-24, lines 46-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Weinblatt's invention to include the above mentioned limitation, as taught by Takasu, for the advantage of distinguishing program data from each other.

As for claim 15, Massetti, Weinblatt, and Takasu disclose the claimed limitations. In particular, Massetti discloses wherein said trigger identity identification is stored in a log file (line-up table; col. 15, lines 43-50, col. 16, lines 33-40).

As for claim 17, Massetti, Weinblatt, and Takasu disclose the claimed limitations. In particular, Massetti discloses a method wherein a channel identifier identifying the

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channel presently tuned to is stored in a list together with a time stamp (col. 15, lines 28-40).

As for claim 18, Massetti, Weinblatt, and Takasu disclose the claimed limitations. In particular, Massetti discloses wherein said stored trigger information is used for determining selection of specific event. – col. 15, lines 35-50, col. 6, lines 48-56.

As for claim 22, Massetti discloses a multimedia integrated receiver decoder, comprising:

- a device (TV receiver 36, 38, 40 – Fig. 1) for receiving a data stream (col. 7, lines 14-21)
- a device (184 – Fig. 5) for identifying triggers (source identification codes) in said data stream accompanying an event in said data stream (col. 15, lines 28-42),
- a device (192 – Fig. 5) for storing information regarding said triggers (col. 15, lines 30-43), and
- a device (194 – Fig. 5) for transmitting said stored information without user identification information (col. 15, lines 34-43).

However, Massetti fails to disclose:

wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use;
permitting an operator or advertiser to use the method
giving a user incitement to allow use of the method

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In an analogous art, Weinblatt discloses permitting an advertiser to monitor what the user watches and to provide the user incitement (reward) to allow use of the monitoring for the advantage of rewarding the user to allow the advertiser to monitor their viewing – col. 13, line 53 – col. 14, line 19, col. 14, lines 40-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include permitting an operator to use the method and giving a user incitement to allow use of the method, as taught by Weinblatt, for the advantage of rewarding the user to allow the advertiser to monitor their viewing.

However, Massetti and Weinblatt fail to teach:

a) wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use;

In an analogous art, Takasu teaches wherein the trigger (coded data) comprises a unique trigger identity identification (unique identification data ID) and said trigger is unique only during a specific period of use (col. 3, lines 50-58, col. 4, lines 13-19, lines 26-36, col. 5, lines 3-24, lines 46-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Weinblatt's invention to include the above mentioned limitation, as taught by Takasu, for the advantage of distinguishing program data from each other.

As for claim 23, Massetti discloses a system for logging events in a multimedia

integrated receiver decoder, said system comprising:

- a transmitter (44, 46, 48 – Fig. 1, col. 7, lines 22-40)
- a receiver (TV receiver 36, 38, 40 – Fig. 1)
- a device (74 – Fig. 1) for interconnecting said transmitter and said receiver (col. 7, lines 15-35) ,

wherein said transmitter comprises:

- a device (44, 46, 48 – Fig. 1) for providing triggers in a data stream accompanying an event (col. 7, lines 22-40, lines 55-60),
- a device (44, 46, 48 – Fig. 1) for transmitting said data stream to said receiver, and wherein

-said receiver comprises

- a device (184 – Fig. 5) for identifying said triggers (source identification codes) in a data stream received by the receiver (col. 15, lines 28-42),
- a device (192 – Fig. 5) for storing identified triggers in memory (col. 15, lines 30-43), and

-a device (194 – Fig. 5) for transmitting said stored identified triggers from said integrated receiver decoder without user identification information (col. 15, lines 34-43).

However, Massetti fails to disclose:

wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use;
permitting an operator or advertiser to use the method
giving a user incitement to allow use of the method

In an analogous art, Weinblatt discloses permitting an advertiser to monitor what the user watches and to provide the user incitement (reward) to allow use of the monitoring for the advantage of rewarding the user to allow the advertiser to monitor their viewing – col. 13, line 53 – col. 14, line 19, col. 14, lines 40-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include permitting an operator to use the method and giving a user incitement to allow use of the method, as taught by Weinblatt, for the advantage of rewarding the user to allow the advertiser to monitor their viewing.

However, Massetti and Weinblatt fail to teach:

a) wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use;

In an analogous art, Takasu teaches wherein the trigger (coded data) comprises a unique trigger identity identification (unique identification data ID) and said trigger is unique only during a specific period of use (col. 3, lines 50-58, col. 4, lines 13-19, lines 26-36, col. 5, lines 3-24, lines 46-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Weinblatt's invention to include the above mentioned limitation, as taught by Takasu, for the advantage of distinguishing program data from each other.

As for claim 24, Massetti discloses a computer program product directly loadable into the internal memory of a multimedia integrated receiver decoder, said computer program product comprising software code portions (As there is a memory, processor, and microcontroller, there is software code to execute the following steps) for performing the following steps:

- identifying triggers (source identification codes) in a data stream received by the multimedia integrated receiver decoder (184 – Fig. 5, col. 15, lines 28-42),
- storing identified triggers in memory (192 – Fig. 5, col. 15, lines 30-43), and
- transmitting said stored identified triggers from said integrated receiver decoder (col. 15, lines 34-43)
- transmitting said stored trigger information from said IRD without user identification information (col. 15, lines 34-43).

However, Massetti fails to disclose:

wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use;

permitting an operator or advertiser to use the method

giving a user incitement to allow use of the method

In an analogous art, Weinblatt discloses permitting an advertiser to monitor what the user watches and to provide the user incitement (reward) to allow use of the monitoring for the advantage of rewarding the user to allow the advertiser to monitor their viewing – col. 13, line 53 – col. 14, line 19, col. 14, lines 40-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include permitting an operator to use the method and giving a user incitement to allow use of the method, as taught by Weinblatt, for the advantage of rewarding the user to allow the advertiser to monitor their viewing.

However, Massetti and Weinblatt fail to teach:

a) wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use;

In an analogous art, Takasu teaches wherein the trigger (coded data) comprises a unique trigger identity identification (unique identification data ID) and said trigger is unique only during a specific period of use (col. 3, lines 50-58, col. 4, lines 13-19, lines 26-36, col. 5, lines 3-24, lines 46-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Weinblatt's invention to include the above mentioned limitation, as taught by Takasu, for the advantage of distinguishing program data from each other.

Claim 25 contains the limitations of claims 12 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 22 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 28 contains the limitations of claims 23 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 29 contains the limitations of claims 24 and 17 and is analyzed as previously discussed with respect to those claims.

As for claim 39, Massetti, Weinblatt, and Takasu disclose the claimed limitations. In particular, Massetti discloses monitoring the data stream as discussed above in claim 12 and wherein in step c) said channel identifier is added to a trigger log (Channel identifier identifying the channel presently tuned to is stored in a list together with a time stamp - col. 15, lines 28-40).

4. Claims 34, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti, Weinblatt, and Takasu as applied to claim 25 above, and further in view of Brooks.

As for claims 34, and 40-42, Massetti, Weinblatt, and Takasu fail to disclose wherein the incitement is connected to a fee reduction for using the operator's services the claimed limitations.

In an analogous art, Brooks discloses wherein a bonus reward such as an amount of money is given to an audience member for allowing to be monitored – col. 5, lines 56-63.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's invention to include the above mentioned limitation, as taught by Brooks, for the advantage of providing a desirable incentive to the user to be monitored.

5. Claims 13, and 19-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti, Weinblatt, and Takasu as applied to claim 12 above, and further in view of Aras (5872588).

Considering claim 13, Massetti, Weinblatt, and Takasu fail to disclose wherein said transmitting is initiated by a service provider.

In an analogous art, Aras discloses wherein the table is reported to the BCC when requested by the BCC – col. 17, lines 57-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's invention to include wherein said transmitting is initiated by a service provider, as taught by Aras, for the advantage of the service provider collecting the statistical information at its convenience or when needed.

As for claim 19, Massetti, Weinblatt, and Takasu fail to disclose wherein at least two triggers are sent for a single event to be monitored, wherein said single event is a commercial.

In an analogous art, Aras discloses wherein each broadcast of AVM is embedded with one or more AVIs (trigger) and that the AVM is a commercial. – see col. 8, lines 1-10, lines 52-67

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's invention to include wherein at least two triggers are sent for a single event to be monitored, wherein said single event is a commercial, as taught by Aras, for the advantage of allowing advertisers to know the number of consumers that have viewed their commercials completely.

As for claim 20, Massetti, Weinblatt, and Takasu fail to disclose wherein said at least two triggers are similar.

In an analogous art, Aras discloses a start index and stop index. Both of these are similar in that both are time indices - col. 9, lines 1-10.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's invention to include wherein at least two triggers are similar and that both are time indices, as taught by

Aras, for the advantage of allowing the advertiser to know the number of consumers that have viewed their commercials completely.

As for claim 21, Massetti, Weinblatt, and Takasu fail to disclose wherein one of the at least two triggers is a start trigger and one of the at least two triggers is a stop trigger.

In an analogous art, Aras discloses wherein one of the triggers is a start index (start trigger) and the other a stop index (stop trigger) – col. 9, lines 1-10, col. 20, lines 15-40.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's invention to include wherein one of the at least two triggers is a start trigger and one of the at least two triggers is a stop trigger, as taught by Aras, for the advantage of allowing the advertiser to know the number of consumers that have viewed their commercials completely.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti, Weinblatt, and Takasu as applied to claim 15 above, and further in view of Block (4,528,589).

As for claim 16, Massetti, Weinblatt, and Takasu fail to disclose a method wherein said log file comprises only stored identity identifications.

In an analogous art, Block discloses a unique program identification code that is stored at the subscriber station and transmitted to a remote location (col. 4, lines 15-48).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's system to include a log file which comprises only stored identity identifications, as taught by Block, for the advantage of providing a simpler technique for billing purposes (col. 4, lines 15-38, col. 5, lines 35-48).

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti, Weinblatt, and Takasu as applied to claim 25 above, and further in view of Cheung (4258386).

As for claim 26, Massetti discloses wherein a trigger is sent as discussed above in claim 12 but Massetti, Weinblatt, and Takasu fail to disclose wherein said trigger comprises only a command for storing said channel identifier and a time stamp.

In an analogous art, Cheung discloses wherein a trigger comprises a command for storing only the channel ID and time stamp – col. 2, lines 43-52, col. 1, lines 7-12.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's invention to include wherein a trigger comprises a command for storing only the channel ID and time stamp, as taught by Cheung, for the advantage of limiting the amount of information of statistical data of programs watched by a user to a minimum.

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti, Weinblatt, and Takasu as applied to claim 25 above, and further in view of Kamada (US 2003/0056208).

As for claim 35, Massetti, Weinblatt, and Takasu fail to disclose wherein channel switches are not logged.

In an analogous art, Kamada discloses when a channel that is viewed only for a time less than a predetermined short time (channel switching), no record is created for the advantage of preventing an extremely short-time view from being registered as a record such that less memory is used up.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's invention to include wherein channel switches are not logged, as taught by Kamada, for the advantage of preventing an extremely short-time view from being registered as a record such that less memory is used up.

9. Claims 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti, Weinblatt, and Takasu as applied to claim 25 above, and further in view of Jimmei (6614795).

As for claim 36, Massetti, Weinblatt, and Takasu fail to disclose wherein said trigger comprises a header indicating that it is a trigger and a field containing a unique trigger identification.

In an analogous art, Jimmei discloses wherein the trigger (packet) comprises a header (IP Header; col. 7, line 65 –col. 8, line 7) indicating that it is a trigger (S101 – Fig. 18, col. 20, lines 11-20) and a field (UDP data) containing a unique trigger identification (S103 – Fig. 18, col. 20, lines 20-25) for the advantage of initiating an event to occur.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti, Weinblatt, and Takasu's invention to include wherein said trigger comprises a header indicating that it is a trigger and a field containing a unique trigger identification, as taught by Jimmei, for the advantage of initiating an event to occur.

As for claim 38, Massetti, Weinblatt, Takasu and Jimmei disclose the claimed limitations. In particular, Jimmei discloses wherein packets are transmitted to set-up a temporary connection (col. 5, lines 53-63, col. 6, lines 14-20). Since there is a limit to the number of numbers that can be used in the trigger identification and since the connections are temporary, the unique trigger identifications are reused after information is transferred to a destination.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

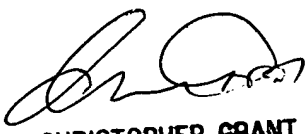
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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